

SECOND REGULAR SESSION

SENATE BILL NO. 749

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS LAMPING, RICHARD, KEHOE AND RUPP.

Read 1st time February 2, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5697S.011

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to the protection of the religious beliefs and moral convictions of certain persons and entities, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 191, RSMo, is amended by adding thereto one new
2 section, to be known as section 191.724, to read as follows:

**191.724. 1. Notwithstanding any other provision of law to the
2 contrary, no employee, self-employed person, or any other person shall
3 be compelled to obtain coverage for, or be discriminated against or
4 penalized for declining or refusing coverage for, abortion,
5 contraception, or sterilization in a health plan if such items or
6 procedures are contrary to the religious beliefs or moral convictions of
7 such employee or person.**

**8 2. No employer, health plan provider, health plan sponsor, health
9 care provider, or any other entity shall be compelled to provide
10 coverage for, or be discriminated against or penalized for declining or
11 refusing coverage for, abortion, contraception, or sterilization in a
12 health plan if such items or procedures are contrary to the religious
13 beliefs or moral convictions of such employer, health plan provider,
14 health plan sponsor, health care provider, or entity.**

**15 3. No governmental entity, public official, or entity acting in a
16 governmental capacity shall discriminate against or penalize a health
17 plan, plan sponsor, health care provider, employer, employee, or other
18 entity or person because of such plan's, sponsor's, provider's,
19 employer's, employee's, entity's, or person's unwillingness, based on
20 religious beliefs or moral convictions, to provide or obtain coverage for,**

21 participate in, or refer for, abortion, contraception, or sterilization in
22 a health plan.

23 4. Whenever the attorney general has a reasonable cause to
24 believe that any entity or person or group of entities or persons is
25 being, has been, or is threatened to be, denied any of the rights granted
26 by this section or other law that protects the religious beliefs or moral
27 convictions of such entities or persons, and such denial raises an issue
28 of general public importance, the attorney general shall bring a civil
29 action in any appropriate state or federal court. Such complaint shall
30 set forth the facts and request such appropriate relief, including, but
31 not limited to, an application for a permanent or temporary injunction,
32 restraining order, or other order against the person or persons,
33 including public officials, or the entity or entities, including a
34 governmental entity or entity acting in a governmental capacity,
35 responsible for such denial or threatened denial of rights, as the
36 attorney general deems necessary to ensure the full enjoyment of the
37 rights granted by law. Nothing contained herein shall preclude a
38 private cause of action by any person or entity aggrieved by a violation
39 of this section or other law that protects the religious beliefs or moral
40 convictions of such entities or persons, or be considered a limitation on
41 any other remedy permitted by law. A court may order any appropriate
42 relief, including recovery of damages, payment of reasonable attorney's
43 fees, costs, and expenses.

Section B. Because immediate action is necessary to preserve the religious
2 freedom and moral convictions of persons and entities who provide or obtain
3 health insurance and health care for themselves, employees, patients and others,
4 and because certain actions by the federal government threaten the providing or
5 obtaining of such health care and health insurance as of August 1, 2012, section
6 A of this act is deemed necessary for the immediate preservation of the public
7 health, welfare, peace and safety, and is hereby declared to be an emergency act
8 within the meaning of the constitution, and section A of this act shall be in full
9 force and effect upon its passage and approval.

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